

United States District Court
EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

UNITED STATES OF AMERICA §
§
vs. § Case No. 4:13cr227
§ Judge Mazzant
MICHAEL THOMAS §

ORDER

Pending before the Court is *pro se* Defendant's Motion for Reconsideration (Dkt. #16).

On September 11, 2013, Defendant was indicted. An arrest warrant was issued. That same day, agents discovered a "For Sale" sign outside of Defendant's last known address, and the real estate agent for the sale of the house confirmed that Defendant's father-in-law was selling the home on Defendant's behalf and that Defendant was no longer in the area. Shortly thereafter, agents confirmed with Defendant's family members that Defendant had left the country with his wife and daughter in mid-August 2013 and was not planning to return.

On July 25, 2014, the Government received an email from an attorney in Brazil claiming to represent Defendant, stating that his client would be willing to resolve the charges if the government would provide a guarantee that he not be incarcerated. On September 13, 2014, an email was received from Defendant threatening to commit suicide.

Defendant, *pro se*, filed a request to waive personal appearance at arraignment and enter a plea of not guilty. The Court denied that request. The Court indicated that Defendant must first appear for an initial appearance. The Court also denied Defendant's *pro se* Motion for Appointment of Counsel (Dkt. #11, #15) as premature. The Order stated that at Defendant's initial appearance, the Court will address the request for counsel.

On August 31, 2015, Defendant filed a Motion for Reconsideration (Dkt. #16), asking the

Court to appoint him counsel. After reviewing the motion, and his financial affidavit, the Court agrees that counsel should be appointed.

It is therefore **ORDERED** that Defendant's Motion for Reconsideration (Dkt. #16) is hereby **GRANTED** and the Court appoints the Federal Public Defender to represent Defendant.

It is further **ORDERED** that Defendant's Motion to Dismiss Indictment for Failure to State an Offense (Dkt. #17), Defendant's Motion to Dismiss Indictment for Unconstitutional Delegation of Prosecutorial Power (Dkt. #18), and Defendant's Motion to Dismiss Indictment for Vagueness (Dkt. #19) are here **DENIED** as premature. The Court has appointed counsel for Defendant and counsel can review whether these motions should be re-filed.

Again, Defendant is aware of his indictment and should make arrangements to appear for an initial appearance. Until then, Defendant will be subject to arrest upon reentering the United States.

SIGNED this 14th day of October, 2015.



AMOS L. MAZZANT
UNITED STATES DISTRICT JUDGE